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*Attorneys for Plaintiff, Christine Bogan*

Christine Bogan	<b>UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY</b>
Plaintiff	
vs.	Civil Action No.:
Arcadia Recovery Bureau, LLC	
Defendant	Complaint and Demand for Jury Trial

### **I. NATURE OF THE ACTION**

1. This action for damages is brought by an individual consumer and arises from the Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").
2. As described more fully below, Defendant violated the FDCPA by sending debt collection letters to Plaintiff which was false, misleading, harassing, and unfair. Defendant's actions violate sections 1692e, 1692e(2), and 1692e(10) of the FDCPA.

### **II. JURISDICTION AND VENUE**

3. This Court has jurisdiction over this proceeding, which arises under 15 U.S.C. Section 1692k(d) and 28 U.S.C. Section 1331.
4. Venue in this action properly lies in the District Court of New Jersey, Newark Vicinage.

### **III. PARTIES**

5. Plaintiff, Christine Bogan (“Plaintiff” or “Bogan”), is a natural person residing in Bergen County, New Jersey.

6. Defendant, Arcadia Recovery Bureau, LLC (“Defendant” or “Arcadia”), is a corporation engaged in the business of collecting debts with its principal place of business located at 645 Penn Street, 4<sup>th</sup> Floor, Reading, PA 19601. The principal purpose of Defendant is the collection of debts using the mails and telephone, and Defendant regularly attempts to collect debts alleged to be due another.

7. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

#### IV FACTUAL ALLEGATIONS

8. On January 17, 2016, Arcadia mailed a collection letter to Bogan stating Bogan’s account had been placed with Arcadia for collection. Arcadia demanded payment of a debt in the amount of \$570.00. In the top right hand corner of the collection letter the alleged “Balance Due” is stated to be \$570.00. The creditor is listed as Life Bank. A true copy of Arcadia’s January 17<sup>th</sup> collection letter with redactions is attached hereto as **Exhibit A**.

14. On February 19, 2016, Arcadia mailed a second collection letter to Bogan stating again she had an outstanding account and Arcadia was “...authorized...to extend to [her] an opportunity to settle [her] account...”. In the top right hand corner of the collection letter the alleged “Balance Due” is stated as \$570.00 and the creditor is Life Bank. A true copy of the February 19<sup>th</sup> collection letter with redactions is attached hereto as **Exhibit B**.

15. Exhibits A and B were received by Bogan at her residence in Bergen County, New Jersey where she lives with her husband.

16. The alleged debt was incurred for personal, family, or household services, i.e., banking of placental stem cells.

17. Arcadia’s collection letters were an attempt to collect a debt that had been discharged in bankruptcy on August 21, 2015. (Case No.: 15-19615SLM).

18. As a result of the acts alleged above Bogan suffered severe anxiety and nervousness. Bogan relied on the discharge of her debts in bankruptcy to give her a fresh start. The peace of mind she achieved through bankruptcy was shattered. The letters raised all the anxieties and concerns she suffered prior to the bankruptcy.

#### V. CLAIM FOR RELIEF

19. Plaintiff repeat and realleges, paragraphs 1 through 18 above as if set forth herein at length.

20. Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:

- (a) Defendant violated U.S.C. §1692e by using false, deceptive, or misleading representations to collect a debt for that Plaintiff did not owe. Defendant on two (2) separate occasions falsely stating that Plaintiff owed a debt discharged in bankruptcy.
- (b) Defendant violated 15 U.S.C. §1692e(2)(A) on two (2) separate occasions by misrepresenting the character, amount, and legal status of the debt by falsely representing that the debt exists. Defendant is prohibited from seeking payment on a debt discharged in bankruptcy.<sup>1</sup>
- (c) Defendant violated 15 U.S.C. §1692e(10) on two (2) separate occasions because it used false representations and deceptive means to collect a debt that Plaintiff did not owe.
- (h) Defendant violated 15 U.S.C. §§1692f because on two (2) separate occasions it used unfair or unconscionable means to collect or attempt to collect a debt.

21. The violations of the FDCPA described herein constitute *per se* violations.

22. As a result of any one or more of the above violations of the FDCPA, Defendant is liable to Plaintiff for statutory damages, attorney's fees, and costs.

WHEREFORE, Plaintiff seeks judgment as follows:

- A. For statutory damages in favor of the Plaintiff pursuant to

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<sup>1</sup> *Ross v RJM Acquisitions Funding, L.L. C.*, 480 F.3d 493 (7<sup>th</sup> Cir. 2007).

15 U.S.C. § 1692k(a)(1), or, in the alternative, 15 U.S.C.

§ 1692k(a)(2)(A).

- B. For attorney's fees, litigation expenses and costs in connection with this action pursuant to 15 U.S.C. § 1692k(a)(3);
- C. For pre-judgment and post-judgment interest; and
- D. For such other and further relief as the Court deems equitable and just.

### **JURY DEMAND**

Plaintiffs demand trial by jury as to all claims and defenses.

### **DESIGNATION OF TRIAL COUNSEL**

Eileen L. Linarducci, Esq. is hereby designated as trial counsel in this proceeding.

### **CERTIFICATION**

Pursuant to Local Civil Rule 11.2, I hereby certify to the best of my knowledge that the matter in controversy is not the subject of any other action pending in any court or of any pending arbitration or administrative proceeding.

The Law Office of Ronald I. LeVine  
Attorney for Plaintiff

  
/s/ Eileen L. Linarducci  
Eileen L. Linarducci, Esq.

Date: January 16, 2017

**EXHIBIT A**

PO Box 6768  
Wyomissing, PA 19610  
For return mail and correspondence only



0000002932



CHRISTINE BOGAN  
845 PUEBLO DR  
FRANKLIN LAKES, NJ 07417-1610



Date	January 17, 2016
Creditor	LIFE BANK
Reference Number	160150646
Balance Due	\$570.00

**You may pay your bill...**

- Online at [www.payarb.com](http://www.payarb.com)
- By Phone at (866) 585-1564
- By Mail at the remit address below

MESSAGES	DESCRIPTION						
<p>The subject account(s) has been placed with us for collection. The balance due as of the date of this letter is stated above.</p> <p>Pamela Blimline Director of Collections</p> <p>The important rights included below apply to each account individually and you have the right to dispute any or all of the accounts included in this notice.</p> <p>Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor if different from the current creditor.</p> <p>This communication is from a debt collector and is an attempt to collect a debt. Any information obtained will be used for that purpose.</p> <p>NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION</p>	<table> <tr> <th>Account Number</th> <th>Balance</th> <th>Date of Service</th> </tr> <tr> <td>A6UJ9A0006J2</td> <td>570.00</td> <td>01/23/10</td> </tr> </table>	Account Number	Balance	Date of Service	A6UJ9A0006J2	570.00	01/23/10
Account Number	Balance	Date of Service					
A6UJ9A0006J2	570.00	01/23/10					

PLEASE DETACH AND RETURN BOTTOM  
PORTION WITH YOUR PAYMENT

IF PAYING BY MASTERCARD, DISCOVER, VISA, AMERICAN EXPRESS OR FLEX CARD, FILL OUT BELOW.

CHECK CARD USING FOR PAYMENT		
<input type="checkbox"/> MC	<input type="checkbox"/> DISCOVER	<input type="checkbox"/> VISA
<input type="checkbox"/> AMEX	<input type="checkbox"/> FLEX CARD	
CARD NUMBER	SIGNATURE CODE	
SIGNATURE	EXP. DATE	
NOTICE DATE	BALANCE	ARB ACCT #
January 17, 2016	\$570.00	01-160150646-W1
AMOUNT ENCLOSED		
\$		

**You may pay your bill...**

- Online at [www.payarb.com](http://www.payarb.com)
- By Phone at (866) 585-1564
- By Mail at the remit address below

**REMIT TO:**

ARCADIA RECOVERY BUREAU, LLC.  
PO BOX 70256  
PHILADELPHIA, PA 19176-0256

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.

W1

01160150646011720160000000570007

## **EXHIBIT B**

PO Box 6768  
Wyomissing, PA 19610  
For return mail and correspondence only



0000000397



CHRISTINE BOGAN  
PO BOX 214  
FRANKLIN LKS, NJ 07417-0214



Date	February 19, 2016
Creditor	LIFE BANK
Reference Number	160150646
Balance Due	\$570.00

**You may pay your bill...**

- Online at [www.payarb.com](http://www.payarb.com)
- By Phone at (866) 585-1564
- By Mail at the remit address below

MESSAGES	DESCRIPTION						
<p>Please be advised that our client has authorized us to extend to you an opportunity to settle your account by offering a discount of 30% off your balance. In order to receive this discount of 30%, please contact our office within 15 days of the date of this letter.</p> <p>Your payment of this settlement will result in the following actions by this office.</p> <ol style="list-style-type: none"> <li>1. Reports (if any) to credit reporting agencies will be updated to reflect that the debt has been settled in full.</li> <li>2. We will send you a settled in full letter for your file if so requested.</li> </ol> <p>If you intend to accept the settlement offer, contact our office at once to advise us of your intentions so we can appropriately notate your file. If you cannot take advantage of the settlement offer, but wish to arrange for payment of the amount due in installments, please call with your proposal. Please contact this office without delay if you have any questions concerning this offer. If you do not respond to this settlement offer, this offer will be revoked and your account will be reviewed for further collection efforts.</p> <p>Pamela Blimline Director of Collections</p> <p>This communication is from a debt collector and is an attempt to collect a debt. Any information obtained will be used for that purpose.</p> <p>NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION</p>	<table> <thead> <tr> <th>Account Number</th> <th>Balance</th> <th>Date of Service</th> </tr> </thead> <tbody> <tr> <td>A6UJ9A0006J2</td> <td>570.00</td> <td>01/23/10</td> </tr> </tbody> </table>	Account Number	Balance	Date of Service	A6UJ9A0006J2	570.00	01/23/10
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IF PAYING BY MASTERCARD, DISCOVER, VISA, AMERICAN EXPRESS OR FLEX CARD, FILL OUT BELOW.

CHECK CARD USING FOR PAYMENT		
<input type="checkbox"/> MC <input type="checkbox"/> DISCOVER <input type="checkbox"/> VISA <input type="checkbox"/> AMEX <input type="checkbox"/> FLEX CARD		
CARD NUMBER	SIGNATURE CODE	
SIGNATURE	EXP. DATE	
NOTICE DATE	BALANCE	ARB ACCT #
February 19, 2016	\$570.00	01-160150646-LX
AMOUNT ENCLOSED		
\$		

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LX

01160150646021920160000000570003